

that Congress was under precisely the same obligation to pass all laws which are necessary to execute the provisions of the Constitution that it was to abstain from the enactment of all laws which are prohibited under the Constitution; and when once Congress had passed a law necessary to execute the provisions of the Constitution, it was unconstitutional to repeal it as it was to enact a law which the Constitution absolutely forbids. If he was right in this position, he certainly was right in denying the proposition that they had a right to repeal the present law of Congress for the extradition of fugitive slaves, unless the very law making the repeal substituted other provisions equally effective.

The enemies of the fugitive slave law, or the most intelligent of them, seemed themselves to have seen this; and hence they had taken the position that this law is unconstitutional. They assumed that that provision of the Constitution which imposed this duty upon the States, but conferred no power upon the General Government. This he denied, and argued to show that it was the plain and obvious meaning of the clause of the Constitution in reference to the reclamation of fugitive slaves that Congress should not act upon this subject.

They had been told that this provision of the Constitution was an odious one to Northern men, and that its execution was painful to them; and he doubted not that such was the fact. Objections had been urged against the present law growing out of its details; and it had been urged that the proceedings under it were summary, and not according to the usual rules of proceeding. In reply to this, he would say that the provision of the Constitution contemplated summary proceedings, and such had been the decision of all the courts. It had also been urged that the law was too stringent, and therefore the South need not expect it to be executed. It was true that the provisions of the law were too stringent, and why were they too stringent because the action of the people of the North had created a necessity for it. He then argued the necessity of maintaining the present law, and remarked that he did not mean to say that the repeal of the fugitive slave law, without the enactment of one equally effective, would be a resolution of the country, for he knew there were many who would be disposed to laugh at such an assertion—but he could here prove to such men as were rational that it would lead to such a result.

He then proceeded to consider the second point, that the compromise measures, being laws of the land, and actions required of them would be life and mischiefous. So did not think our English ancestors. The *Magna Charta*, Lord Coke told us, was re-affirmed thirty-two times; and this was done whenever liberty was in danger. He did not consider that the danger in reference to slavery was over; and he would be an unfaithful representative if he should tell his constituents that the danger had passed. The compromise measures were several steps upon the road that would lead them to safety; but they had not arrived at that point yet by a great deal. The country might be firm if they persevere in putting down agitation; and if the two great parties of the country would only unite, and conduct the next canvass with fidelity to the Constitution, these aliens would find their safety in quieting their machinations. The monster which had been prowling about and disturbing the public peace had been killed; but before he received his death wound he had, like the pestilence that walks in darkness, crept into almost every hole and corner of the Union, and left his accursed egot behind him. The patriots should hunt them out and crush them forever. Only let them back in the sunshine, and they would hatch into life and become hideous reptiles, which would defile the very ground upon which they crawled.

Mr. CARTER said that this constant, unrelenting, and ceaseless agitation from the South was perpetrated upon their ears from day to day; and he would enter his protest against it. So solemn had these compromise measures become, under the avowed just made, that the gentleman from Virginia, who denounced a position of compromise, unconstitutional when they were passed, now came forward to canonize them into the Constitution, and to pronounce that the repeal of one of these measures would be a repeal of the Constitution, and Congress had no legislative right to do it.

Mr. BAYLY. I addressed myself to two points. Mr. CARTER. I am taking up the first.

Mr. BAYLY. I have spoken only of the Territorial and fugitive slave bills.

Mr. CARTER said that the language of the gentleman from Virginia, in opening his argument, was that the fugitive slave law was a law to execute the provisions of the Constitution, and it would be unconstitutional to repeal it.

Mr. BAYLY. I would inquire of the gentleman what law I have asked to be canonized into the Constitution?

Mr. CARTER. The only one you like.

Mr. BAYLY. The others have already been canonized, and are irreparable.

Mr. CARTER denied the whole doctrine. It was as pure legal sophistry as was ever uttered. To assert that the body which created a law had no power to repeal it amounted to a mere evasive answer. The power of Congress to enact laws to execute the provisions of the Constitution relative to the reclamation of fugitive slaves would be a refusal to do a constitutional duty, and this was all it would be; and he agreed with the gentleman from Virginia that if a majority should refuse to carry out this provision, it would be a refusal to do a constitutional duty—not peaceable secession, but revolution.

In relation to the second argument of the gentleman from Virginia, he (Mr. C.) thought it was a little remarkable that acts which scarcely received a majority, with all the patronage brought to their aid—a set of measures which belonged to no party, and which were not so vitally necessary to the maintenance of the Republic as this bill was, our country was in an alarming condition. The bill under consideration was then set aside to be reported to the House, with the recommendation that it pass.

The Navy Pension bill was then taken up, and the same action taken on it as on the preceding bill.

The committee rose and reported its action to the House. The House then proceeded to consider the bills reported by the Committee of the Whole, viz. the Invalid Pension and Navy Pension bills, and they were severally read the third time and passed.

The House then adjourned.

WEDNESDAY, MAY 20, 1852.

IN SENATE.

Mr. SUMNER presented the memorial of the representatives of the colored people of the State of Maryland, in which they ask for the repeal of the fugitive slave law. The memorial proceeds:

"We therefore respectfully but earnestly and sincerely entreat you to repeal the law of the last Congress respecting fugitive slaves; 1st, and principally, because of its injustice to a large and increasing number of our fellow-men; 2d, in order that we, together with other conscientious sufferers, may be exonerated from the penalties which it imposes on all who, in faithfulness to their Divine Master and in discharge of their obligations to their fellow-men, are bound to regulate their conduct, even under the heaviest penalties which man can inflict for so doing, by the divine injunction, 'all things whatsoever you shall do that men should do to you, do ye even so unto them; and by the other commandment, 'thou shalt love the Lord thy God with all thy heart and thy neighbor as thyself.'"

"We fervently desire that He who has declared through his servants that sin is a reproach to any people, may replenish our hearts with wisdom, and enable you to do justice and judgment speedily, that so the blessings of such as are ready to perish may come upon you, and that the welfare of our beloved country may be promoted and established, and peace and justice for the work of righteousness shall be peace, and the effect of righteousness quietness and assurance forever."

Mr. SUMNER took occasion to say that the memorial was commended by the Senate at the time when it was presented, and that at some future time he would feel it a duty to deliver his views at length on the subject of the document treated. Justice required that both sides should be heard, and he trusted it would not be asking too much to bespeak the candid attention of the Senate while he would set forth the convictions which he cherished in his State, though disregarded elsewhere, and to which he was bound by every sentiment of his heart, by every fibre of his being, by all his devotion to his country, all his love to God and man. When he did undertake that duty, he should not be content with being regarded as sectional, unless the Constitution and the sentiments of his fathers were sectional. He hoped to be able to show that freedom and not slavery was national, while slavery and not freedom was sectional. He moved to refer the memorial to the Committee on the Judiciary.

Mr. MANGUM put a companion motion to the effect that Friends as a law-abiding people, and was willing that the petition should be received, as he believed had been the practice from the days of Washington.

The CHAIR informed Mr. M. that the petition was already received.

Mr. MANGUM then moved to lay the motion of reference on the table.

Mr. DAWSON desired to know if it was the intention of gentlemen to re-open this agitating question? From the very solemn and impressive manner and the overflow of Christian feeling manifested by the Senator, he hoped he would have no concealments, nor make any attempt to hide his views in dust and clouds. He (Mr. D.) was ready to meet the question, and desired that there might be a bold and manly openness evinced by the other side. If gentlemen agreed to throw the whole into the hands of the national councils, let them do so, and take the responsibility. Now was the time, now was the hour, and not to tell them of what was to be done on future occasions. He was averse to hypocrisy as well in politics as in religion, and was ready then to meet the question in all its phases, having not the least disposition to evade it. He wished to let the country see the men and measures around

which they intended to rally, and not on the eve of a Presidential election to come out with innuendoes.

Mr. BADGER said he was not quite so bold as a humor as his friend from Georgia, (Mr. Dawson). The measure of the fugitive slave law was a measure of compromise, known as the Compromise, so that the country might settle down in peace and security, knowing that whichever party succeeded constitutional rights would be secured and the Union preserved. He regarded the Compromise measures as above party, and he was equally ready to maintain the same within such restricted limits, with the object to subvert partisan purposes, did injustice to those who, of the other party, contributed towards their introduction and passage. The gentleman from Tennessee, (Mr. Polk), some weeks since, said that these measures were passed by Democrats, with a small posterity of Whigs, scarcely enough to swear by. The record justified no such reckless assertion, and he was afraid that the gentleman had not taken the pains to investigate the subject as he should have done before making this statement.

Mr. BUTLER rose to speak, saying that he agreed with the Senator from Georgia; when the Chair informed him that the subject was not debatable.

Mr. DAWSON desired to know if it was intended to be a test question. If it were, his vote would be different from what it would otherwise be.

Mr. BADGER replied that the subject could be taken up whenever Senators desired it.

The question was then taken by yeas and nays, and the vote stood 39-11; but before the vote was announced, Mr. ATCHISON, who had voted nays, playfully remarked that as he found himself in such bad company, he would reverse his vote and say yea. The following is the vote:

YEAS—Messrs. Adams, Atchison, Badger, Bell, Bradbury, Bright, Brodhead, Brooks, Cass, Clemens, Cooper, Dawson, DeSaussure, Dodge of Iowa, Douglas, Fish, Foote, Geyer, Hunter, James, Jones of Iowa, Jones of Tennessee, King, Mallory, Mangum, Miller, Norris, Pearce, Pratt, Rusk, Sebastian, Smith, Soule, Spruance, Toucey, Underwood, Upham, and Walker—50.

Other members were presented and referred.

By Mr. MILLER: From citizens of New Jersey, asking the passage of a law by which the introduction of foreign negroes into the United States may be effectually prohibited.

Messrs. DAVIS, FISH, and CHASE presented several petitions in favor of the enactment of the homestead bill. By Mr. RUSK: From Juan Fernandez, asking indemnity for cattle destroyed by the Indians in Texas.

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conventions soon to assemble at Baltimore. He desired to see inscribed upon the banner of each party, in letters of living truth, the measures of adjustment commonly known as the Compromise, so that the country might settle down in peace and security, knowing that whichever party succeeded constitutional rights would be secured and the Union preserved. He regarded the Compromise measures as above party, and he was equally ready to maintain the same within such restricted limits, with the object to subvert partisan purposes, did injustice to those who, of the other party, contributed towards their introduction and passage. The gentleman from Tennessee, (Mr. Polk), some weeks since, said that these measures were passed by Democrats, with a small posterity of Whigs, scarcely enough to swear by. The record justified no such reckless assertion, and he was afraid that the gentleman had not taken the pains to investigate the subject as he should have done before making this statement.

Mr. POLK said that he could not sit still when the gentleman charged him with making a reckless assertion. The whole tenor of his (Mr. P.) speech was to show that there was no Whig party in the land which deserved consideration when separated from the Abolition and Free-soil parties. When he made the remark about Free-soilers, he stated that there were three Whigs only north of the Potomac, and that he was equally ready to maintain this was a reckless assertion, the truth itself was reckless.

Mr. WHITE then quoted the words Mr. POLK used on the occasion referred to.

Mr. POLK said that there were not two States North of the Whigs could carry, separated from the Abolition party.

Mr. WHITE did not admit the position assumed by the gentleman from Tennessee. If there was any party which was entitled to the merit of being called the compromise party, it was the Whig party of the South. But patriotism passed these measures, and he hoped patriotism enough remained to sustain them.

He then referred to the action of Mr. Clay on this subject, when he was in the Senate, and passed a glowing eulogium upon his services.

He regretted that there was dissension in the Whig party, and that they could not unite on this great measure of compromise, and that they were separated from the Convention soon to assemble would erect a platform upon which all the party could stand united as a band of brothers. If they did not intend to fight together under the old banner, they should strike it and dissolve. If, however, it was their intention to cling together, they should make on their armor the colors of compromise, and if they should adhere to the old banner, do battle in a common cause, resolving never to lay down their arms until they should stack them for victory.

Mr. W. then spoke in reference to the administration of President Fillmore, declaring that it had been managed with a degree of wisdom, virtue and patriotism unsurpassed since the days of Washington. It was not to be denied that he was the preference of the Whig party in Kentucky; and if he should receive the nomination of the Baltimore Convention, it would be echoed among the hills and valleys of Kentucky in notes of joy and gladness. If the Convention should elect him, it would be a triumph for his State which would be a triumph for the Union.

He then spoke in terms of praise of Mr. Webster, and also referred in high complimentary terms to Gen. Scott, and to the great virtues and noble character of the latter. He was as good a compromise man as any member of the House.

Mr. POLK was gratified to be able to state that every aspirant for the Presidency in the Democratic party had written a letter, in which he took the ground that he would vote for Mr. Fillmore, and that he would support the compromise measures.

Mr. WHITE hoped that Gen. Scott would never make any such declaration. It was not Whig doctrine. He believed that Gen. Scott would be incapable of riding in upon a compromise. Old Chatham would be a compromise man, and he would fall back to forty-nine, thus being compelled to make a disgraceful retreat.

Mr. POLK. Does the gentleman intend to cast a slur upon one with whom I am so closely connected?

Mr. WHITE. Not by any means.

Mr. POLK. I would wish to see the gentleman who would vote for Mr. Fillmore, and who would support the compromise measures, to create the impression in Kentucky that his (Mr. M.) object in signing the address he had alluded to was to cast a censure upon him and the rest of his colleagues who happened to remain in that caucus, and who, as the learned protector of the Kentucky delegation, would have gathered them all up, and would have gathered the chickens or her brood. (Mr. M.) would tell what the real object of his colleague was, and he should have confessed it once. His real object was to put himself before the people of Kentucky on his (Mr. M.) line; for, although the gentleman in his sounding speech had claimed the address as a slur upon him, yet the gentleman himself had admitted that he had taken every one of the positions laid down in that address.

Mr. M. then replied at length to the remarks of Mr. GAY, in conclusion remarking that it would be as utterly impossible for mortal man to write the sun from the heavens as to induce the men of Kentucky to stand up to any candidate of the South, who would be a compromise man with whom he might be associated, when he had not contained in the poetical language of his young colleague, (Mr. WHITE), in letters of living light, so that the humblest mountaineer and cottager might be able to see and understand it, that he was in favor of the fugitive slave law, and the compromise.

The committee then rose and the House adjourned.

THURSDAY, MAY 27, 1852.

IN SENATE.

The following memorials and petitions were presented and approved by the Senate:

By Mr. MALLORY: Two memorials from James Montgomery, the one asking that an invention of his for preventing the explosion of steam boilers may be tested, under the supervision of, on board one of the Government steamers, and the other asking Congress to appropriate the sum of \$5,000 to enable him to transport the same from New York to Liverpool in six days, and from Newfoundland to the same place in four; and which at the same time will be suitable for war purposes.

By Mr. BERRIEN: From John James Flournoy, of Georgia, complaining of having been illegally deprived of certain lands ceded by Georgia to the United States.

Numerous memorials were presented by Messrs. SEWARD, SHIELDS, WADE, SMITH, MILLER, FISH, and MASON, in favor of the homestead bill.

Mr. MASON, in presenting his memorials, said if the Senate should entertain the sentiments contained in the memorial, he felt sure they were very unlike those of the citizens of Virginia generally, and protested against the presentation of the memorials being taken as evidence of his being favorable to the measure.

By Mr. UNDERWOOD: From two of his female constituents, named Sarah Tanner and Lucinda Tanner, asking that they had advanced \$1,500 to enable Mr. Tippet to test an invention for preventing the explosion of steam boilers, which sum was found insufficient, and they express the opinion, as they had given \$1,500 out of their private purse, that Congress could scarcely fail to give \$1,500 more out of the public purse for so praiseworthy an object.

Memorials were also presented by the CHAIR, Messrs. JONES, of Iowa, MALLORY, SEWARD, SHIELDS, MASON, and FISH.

DEFICIENCY BILL.

The Senate then proceeded to the consideration of the deficiency bill, the amendment pending being the proviso of the clause to authorize the Postmaster General to advertise proposals for carrying the mail after the 31st of December, 1854.

Mr. BORLAND rose and addressed the Senate at great length against the increased appropriation for the Collins line; after which, the question was taken on the amendment of Mr. CHASE, and decided in the negative, as follows:

YEAS—Messrs. Adams, Atchison, Badger, Bell, Bright, Brodhead, Brooks, Cass, Cooper, DeSaussure, Dodge of Iowa, Douglas, Fish, Geyer, Hall, Hunter, James, Jones of Iowa, Jones of Tennessee, King, Mallory, Mangum, Miller, Norris, Pearce, Pratt, Rusk, Seward, Shields, Smith, Soule, Spruance, Toucey, and Upham—51.

YEAS—Messrs. Adams, Atchison, Badger, Bell, Bright, Brodhead, Brooks, Cass, Cooper, DeSaussure, Dodge of Iowa, Douglas, Fish, Geyer, Hall, Hunter, James, Jones of Iowa, Jones of Tennessee, King, Mallory, Mangum, Miller, Norris, Pearce, Pratt, Rusk, Seward, Shields, Smith, Soule, Spruance, Toucey, and Upham—51.

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Provided, That it shall be in the power of Congress, at any time after the 31st day of December, 1854, to terminate the same, and to insert in lieu thereof the following:

Provided, That after the 30th of June, 1854, the rate of compensation shall not exceed \$19,250, unless Congress in the meantime shall have provided otherwise.

Mr. BELLI advocated the amendment.

Mr. RUSK spoke against the amendment as unwise and impolitic.

Mr. DAWSON sustained the amendment, which would enable him, if adopted, to vote for the amendment of the Committee.

After an unsuccessful motion to adjourn, the debate was continued until a late hour; when the Senate adjourned, without taking any question.

HOUSE OF REPRESENTATIVES.

The House resumed the consideration of the bill of the Senate to grant the right of way to the State of Missouri, and a portion of the public lands, to aid in the construction of certain railroads in said State, reported yesterday from the Committee on Public Lands, with an amendment.

Mr. BOOCOCK moved to lay the bill and amendment on the table; and on this motion demanded the yeas and nays, which were ordered, and being taken, resulted: Yeas 74, nays 94.

The question then recurred on the amendment reported by the Committee on Public Lands, viz. strike out the fifth section of the Senate bill, which provides that the land granted by the bill shall be disposed of only as the work shall progress, and that if the work shall not be completed within ten years, then the sales of the land shall cease, and the money obtained therefrom shall revert to the Treasury of the United States, and insert in lieu thereof the following:

"That the lands hereby granted to said State shall be disposed of by said State only in the manner following, that is to say: that a quantity of land not exceeding one hundred and twenty sections, on each road, and including within a continuous length of twenty miles of said road, may be sold; and the proceeds of said sale shall be paid to the Secretary of the Interior, to be used in the purchase of land, to be sold, and so, from time to time, until said road is completed; and if said road is not completed within ten years, no further sale shall be made, and the lands unsold shall revert to the United States."

Mr. BOOCOCK demanded the yeas and nays on the adoption of the amendment, which were ordered and taken, with the following result: Yeas 102, nays 70.

The bill was then ordered to lie on the table, and the vote of 93 yeas to 70 nays, and it was accordingly read the third time.

The question being on the passage of the bill, (the morning hour having expired)—

INDIAN APPROPRIATION BILL—SLAVERY.

On motion of Mr. GROW, the House went into Committee of the Whole on the state of the Union, (Mr. SEYMOUR, of Connecticut, in the chair), and resumed the consideration of the bill to amend an act to provide for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1853.

Mr. GROW addressed the Committee, stating that the remarks he desired to submit now were much more preliminary than those which he had made on the introduction of the resolutions declaring the compromise a finality. He voted against the introduction of those resolutions, and against them on their final passage, for the reasons stated in the resolutions themselves, that any further agitation of these questions at this time was useless and unnecessary; and he was not one of those who believed that discussion on one side or the other was not agitation, while discussion on the other side was, he could see no benefit likely to accrue to the country from their passage. The only result of it, to his mind, was the opening again of this whole agitation, and making it an element in the next Presidential election. It was but reviving and re-creating a party which had already been created, and soon gathered cinders enough to cover themselves. The North had been told, and they believed it to be true, that the people of the South were opposed to any and all agitation on the subject of slavery. The North had been led to believe that this was sincere, and came from hearts anxious to see all sections working in harmony in the interests of our common country. But, strange as it might seem, and to illustrate the strange inconsistency of man, no sooner had Congress convened than they found themselves upon the eve of another sectional controversy. The North was the incendiary who had raised his hand to fire the torch of sectional strife.

At the opening of Congress, before the organization of the House, this subject was introduced into the Democratic caucus by the gentleman from Tennessee, (Mr. POLK); and on the first day of the session, in the other end of the Capitol, by a Senator from Mississippi, (Mr. FOOTE); and the subject was introduced into the House by two gentlemen from Illinois, (Messrs. BRIGHT and HILLIER).

Thus the agitation came from the South.

Here and there in the North there might be found an individual faithless to the Constitution; but the great mass were true to all its guarantees and principles, and they would transmit them unimpaired to successive generations.

Mr. G. then spoke against endorsing the finality of the compromise measures. He said that by this gentleman undertook to place certain acts of Congress above the Constitution itself. The Democracy of the country was now asked to strike from its banner—a banner which had been the glory of the country—a banner which had been the emblem of progress and great American ideas—an emblem of progress and great American ideas—at the altar of the legislation of the country was at all times and under all circumstances subject to the control of the majority of the American people, and to inscribe in its place a new and strange device, the finality of a law passed by Congress. He held no doctrine of finality of American legislation; for it was not in accordance with the genius and spirit of our institutions, nor with true ideas of American progress.

Mr. GOODRICH repelled the charge that the people of the North were disloyal because they would not endorse the compromise measures in the sense of Southern gentlemen, who construed them to mean that slavery is not heretofore to be prohibited in the Territories; and that the fugitive slave law is never to be repealed or modified. The people of the North were devoted to the true principles of the Union, and nowhere did this devotion burn purer or brighter than in the State he had the honor in part to represent, although he had heard people of the South declare that the fugitive slave law might be modified. And was it treason to suggest that that law might be improved? Were we the freest people on the globe, and was this the model Republic of the world, and yet had we a law for the return of fugitive slaves which was permanent, and which was to override the Constitution and the Union?

Mr. G. then proceeded to prove that the power of Congress to prohibit slavery in the Territories was